

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MONICA LOUISE COLLEDGE,

Plaintiff,

MEMORANDUM & ORDER
22-CV-2873 (EK) (JAM)

-against-

THE STEELSTONE GROUP, LLC,
d/b/a Gourmia,

Defendant.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Marutollo's Report and Recommendation (R&R) dated May 14, 2024. ECF No. 25. Judge Marutollo recommends that the Court deny the plaintiff's motion for default judgment without prejudice to renew. As the R&R concludes, the plaintiff has not properly served the defendant with process, and the Court therefore lacks personal jurisdiction over the defendant. *See Am. Inst. Of Certified Pub. Accounts v. Affinity Card, Inc.*, 8 F. Supp. 2d 372, 375 (S.D.N.Y. 1998). Furthermore, the plaintiff has failed to serve her motion for default judgment on the defendant, in violation of Local Rule 55.2(c). Loc. Civ. R. 55.2(c). The R&R concludes that this omission, too, precludes default judgment. *See Century Surety Co. v. Atweek, Inc.*, No. 16-CV-335 (ENV), 2018 WL 10466835, at *1 (E.D.N.Y. Jan. 9, 2018).

Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews the recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013). Having reviewed the record, I find no error and therefore adopt the R&R in its entirety. Thus, plaintiff's motion for a default judgment is denied without prejudice to renew.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: June 7, 2024
Brooklyn, New York